

CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, OCTOBER 19, 1994  
7:00 P.M.

1. ROLL CALL

Present: Council Members - Mann, Pennino, Snider and Sieglock (Mayor)

Absent: Council Members - Davenport

Also Present: City Manager Peterson, Assistant City Manager Glenn, Community Development Director Schroeder, Public Works Director Ronsko, City Attorney McNatt and City Clerk Perrin

2. INVOCATION

The invocation was given by Pastor Ken Raphael, Grace Community Fellowship Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Sieglock.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

a) Mr. Ivan Suess, Member of the Board of Directors for AAA, presented Police Chief Hansen with the AAA Pedestrian Protection Program "Grand Award", which is its highest achievement. In the 50,000 - 100,000 population category, the City of Lodi is the only qualified recipient of this Grand Award in the country.  
FILE NO. CC-6 AND CC-152

b) Mayor Sieglock presented Police Chief Hansen with a proclamation proclaiming October 22 - 30, 1994 as "Red Ribbon Week".  
FILE NO. CC-37

c) Ora Hoover, President of Soroptimist International of Lodi, presented Mayor Sieglock with a check in the amount of \$1,000 towards the Hale Park After School Youth Program.  
FILE NO. CC-27(c) AND CC-40

d) Mr. Ron Addington presented a status report to the City Council regarding the Vision 2000 strategic planning effort update and presented the Council with information regarding the "95 Re-Look" (copy of which is on file in the City Clerk's office).

Speaking in support of Ron Addington and the Vision 2000 plan was Frank Alegre, Lodi.  
FILE NO. CC-6 AND CC-7(n)

e) Tony Segale, Chairperson of the Central City Revitalization Task Force, presented the City Council with an update regarding the progress of the task force. Mr. Segale read a letter from the Lodi Downtown Business Association (LDBA) in regards to its position opposing the 30-minute parking recommendation and, instead, supporting the current two-hour parking. City Clerk Perrin was asked to read a letter from Michael Freedman in which he withdrew the recommendation for 30-minute parking in order to continue with the remainder of the project (copy of which is on file in the City Clerk's office).  
FILE NO. CC-72 AND CC-400

5. COMMENTS BY THE PUBLIC ON CONSENT CALENDAR ITEMS

- a) Frank Alegre, Lodi, requested that staff explain Consent Calendar item #E-13 entitled, "Authorize actuarial services for workers compensation". Both Assistant City Manager Glenn and City Manager Peterson explained the item and answered questions. Mr. Alegre further questioned agenda item #E-18 entitled, "Destruction of certain records by the City Attorney's office" which records were being destroyed. City Attorney McNatt responded that the records were obsolete, closed files.  
FILE NO. CC-6, CC-21.1(b) AND CC-34
- b) Lou Fugazi, 925 Greenwood Drive, Lodi, asked staff to explain agenda item #E-9 entitled, "Janitorial contract update". Public Works Director Ronsko gave a report on the matter.  
FILE NO. CC-90

6. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Mayor Sieglock, Snider second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- a) Claims were approved in the amount of \$1,205,317.20.  
FILE NO. CC-21(a)
- b) The Minutes of October 5, 1994 (Regular Meeting) were approved as written.
- c) Approved the plans and specifications for bids for Well 25 chain link fence, 1014 Holly Drive and authorized advertising for bids.  
FILE NO. CC-12.1(c)
- d) Approved the plans and specifications for bids for Thurman Street Improvements, Beckman Road to 1,800 feet east of Beckman Road and authorized advertising for bids.  
FILE NO. CC-12.1(c)
- e) Agenda item #E-5 entitled, "Specifications and advertisement for bids for utility vehicle for the Parks Department" was pulled from the agenda pursuant to staff's request.
- f) Agenda item #E-6 entitled, "Reject bids for purchase of Police Department undercover van and authorize readvertisement for bids" was removed from the Consent Calendar and discussed at the end of the agenda. (Removed pursuant to staff's request.)
- g) Adopted Resolution No. 94-119 awarding the purchase of a photocopier for the Municipal Service Center (MSC) from the low bidder, Business Office Systems, of Stockton, California, in the amount of \$6,686.74.  
FILE NO. CC-12(d) AND CC-300
- h) Approved the Improvement Agreement Addendum for Century Meadows One, Unit No. 1, Tract No. 2570, and directed the City Manager and the City Clerk to execute the Improvement Agreement Addendum on behalf of the City.  
FILE NO. CC-90
- i) Received report regarding janitorial contract for City facilities.  
FILE NO. CC-90

- j) Received Memorandum of Understanding (MOU) with the Lodi Police Officers' Association (LPOA) for the term October 1994 - October 1996.  
FILE NO. CC-34
  - k) Agenda item #E-11 entitled, "Receive Memorandum of Understanding (MOU) with the Lodi Police Dispatchers Association (LPDA) for the term October 1994 - October 1995" was pulled from the agenda pursuant to staff's request.
  - l) Adopted Resolution No. 94-120 implementing salary adjustments for represented employees of the Lodi Police Officers' Association (LPOA) effective the first pay period after October 1, 1994 of 4.0% and October 1, 1995 of 2.0%.  
FILE NO. CC-34 AND CC-300
  - m) Authorized the City Manager to enter into an agreement with Advanced Risk Management Techniques, Inc. to conduct an actuarial study of the City's Workers' Compensation Program.  
FILE NO. CC-21.1(b) AND CC-90
  - n) Approved the retention of Kennedy-Jenks Engineering firm for perchloroethylene (PCE) and tetrachloroethylene (TCE) Scoping Study.  
FILE NO. CC-90
  - o) Agenda item #E-15 entitled, "Power agreement between General Mills, Inc. and the City of Lodi" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Pennino.)
  - p) Adopted Resolution No. 94-122 approving Supplement No. 3 to Northern California Power Agency (NCPA) Joint Powers Agreement.  
FILE NO. CC-7(j), CC-90 AND CC-300
  - q) Adopted Resolution No. 94-123 approving the Recycling Market Development Zone Application findings of exemption.  
FILE NO. CC-22(b), CC-54 AND CC-300
  - r) Adopted Resolution No. 94-124 granting permission to destroy certain City Attorney's Office records in excess of three years of age.  
FILE NO. CC-6, CC-34 AND CC-300
  - s) Adopted Resolution No. 94-125 in opposition to unfunded mandates.  
FILE NO. CC-6, CC-28 AND CC-300
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7. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Sieglock called for the Public Hearing to consider Planning Commission's recommendation for Growth Management Allocations for 1994.

Hearing Opened to the Public

1. Charles Oewel, Pacific Valley Housing Corp., 650 Blithedale Road, Mill Valley, California, spoke on behalf of the First Colony housing development and requested that the City Council make minor alterations to the Planning Commission's recommendation so that it may continue with further development;
2. Jeff Kirst, 18826 North Lower Sacramento Road, Lodi, spoke in support of not straying from the City of Lodi's adopted plan and the Planning Commission's recommendation; and
3. Dennis Bennett, 777 South Ham Lane, Lodi, also spoke in support of staying with the City's adopted plan.

Public Portion of Hearing Closed

**ACTION:**

The City Council, on motion of Council Member Mann, Pennino second, unanimously approved the Growth Management Allocations for 1994 as recommended by the Planning Commission.

FILE NO. CC-6 AND CC-35(b)

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Sieglock called for the Public Hearing to consider revision of the Federal Transit Administration (FTA) Section 9 Claim for 1993/94.

Hearing Opened to the Public

1. Lou Fugazi, 925 Greenwood Drive, Lodi, questioned who was responsible for the County (SMART) buses coming into the City of Lodi and how he could get information on the routes and pick-up times. Assistant City Manager Glenn stated he would send information to Mr. Fugazi.

Public Portion of Hearing Closed

**ACTION:**

The City Council, on motion of Council Member Pennino, Mann second, unanimously revised the FTA Section 9 Claim for 1993/94 per staff's request.

FILE NO. CC-50(b)

8. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City Attorney, City staff and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Mayor Sieglock, Mann second, unanimously rejected the following claims and referred them back to ICA:

1. Jerald Gregerson, date of loss 3/9/94;
2. B.D. Clemens Construction Company, date of loss 8/30/94; and
3. Rodney Williams, date of loss 9/16/94.  
FILE NO. CC-4(c)

- b) City Clerk Perrin read the following ABC Licenses:

1. Food 4 Less, 2340 West Kettleman Lane, Lodi, Off Sale Beer and Wine, Original License; and
2. Georgia Perlegos, Save Mart, 1340 South Hutchins Street, Lodi, Off Sale General License, Person to Person Transfer.  
FILE NO. CC-7(f)

- c) The following report was presented to the City Council:

1. Planning Commission report of October 10, 1994.  
FILE NO. CC-35(c)

- d) The City Council, on motion of Council Member Mann, Snider second, unanimously made the following appointments to the Information Superhighway Task Force:

**Information Superhighway Task Force**

Steve Mann  
C. Mark White  
Stan Helmle  
Dave Tracewell  
John Forberg

FILE NO. CC-2(a)

- e) Agenda item #G-4(b) entitled, "Appointment to the Lodi Arts Commission" was not ready for action and was, therefore, pulled from the agenda.

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9. REGULAR CALENDAR

- a) Following request by Fosen Interiors, 120 North School Street, for an encroachment permit to place patio furniture in front of its store, the City Council, on motion of Council Member Mann, Pennino second, unanimously granted a one-year encroachment permit to be reviewed annually with the following conditions:

- Encroachment permit shall be limited to the sidewalk right-of-way fronting 120 North School Street (Fosen Interiors).
- Encroachment permitted during business hours only.
- A minimum of 7 feet of unobstructed width shall be provided on the sidewalk for pedestrian traffic (sidewalk is approximately 12 feet wide).
- Encroachment permit shall not obstruct store entry or impede traveling public.
- Permittee shall maintain right-of-way in a clean and neat manner.
- Permittee shall provide a certificate of insurance naming the City of Lodi as additional insured.

Further the City Council gave staff authorization to issue similar encroachment permits upon request with a cut-off date of October 19, 1995.  
FILE NO. CC-6 AND CC-72

- b) Agenda item #H-2 entitled, "Adopt Rules for Personnel Administration" was pulled from the agenda pursuant to staff's request.
- c) The City Council, on motion of Council Member Mann, Sieglock second, unanimously introduced Ordinance No. 1601 adding Lodi Municipal Code Chapter 10.58 relating to administration of parking citations.

Speaking on the matter was Lou Fugazi, 925 Greenwood Drive, Lodi.  
FILE NO. CC-6, CC-149 AND CC-150

- d) The City Council, on motion of Council Member Snider, Mann second, unanimously adopted Resolution No. 94-126 approving the 1995-96 Environmental Enhancement and Mitigation Program, which is a grant request for \$183,000 of State money to help in the development of Westgate Park.  
FILE NO. CC-27(c) AND CC-300

10. RECESS

Mayor Sieglock declared a ten-minute recess and the City Council meeting reconvened at approximately 8:58 p.m.

11. ORDINANCES

None.

12. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Dennis Cochran, 935 Coloma Street, Lodi, commented on an article by Bob Johnson in the Lodi District Chamber of Commerce newsletter regarding the Dana Corporation. Mr. Cochran feels the Dana Corporation has not been given fair treatment and that promises were not kept. He also expressed his opinion that the enterprise zone in Stockton has been falsely advertising its application fees and that there has been too much government interference. Further, Mr. Cochran commented on the judge's recent reduction of the fine against the property owner on Pine Street, who was just as much the victim.  
FILE NO. CC-6 AND CC-16

- b) Ukhtar Khan, 439 Murray Street, Lodi, presented the City Clerk with a petition regarding the Eastside Improvement Committee using too much government control, including the use of the Graffiti Abatement Ordinance, to gain access to private property to force people to improve items other than graffiti. Mr. Khan also stated that Virginia Snyder had refused to meet with Council Member Davenport regarding this matter.

Mayor Sieglock responded that he was very pleased with the work of Virginia Snyder and the Eastside Improvement Committee in making Lodi a better place in which to live. Council Member Mann responded that it was individuals, mostly neighbors, that brought the suit against the property owner on Pine Street, not the committee. Further, Council Member Pennino, urged Mr. Khan to meet with City Attorney McNatt to clarify any misunderstandings that he may have.

FILE NO. CC-2(s), CC-6, CC-13 AND CC-16

- c) Mohammad Shoaib, 747 South Central Avenue, Lodi, read a letter by Mr. Arthur Price to Council Member Davenport explaining the Graffiti Abatement Program and its great success. Following the reading of this letter, Mr. Shoaib indicated that this letter proves that Mr. Price does not respect Council Member Davenport. Mr. Shoaib also commented that Virginia Snyder refused to meet with Council Member Davenport to discuss the Graffiti Abatement Program.

Mayor Sieglock responded that Mr. Arthur Price has made a great difference in the City of Lodi and was a strong advocate of the Graffiti Abatement Program.

FILE NO. CC-6, CC-13 AND CC-16

- d) Virginia Snyder, Eastside Improvement Committee, responded that she did not meet with Council Member Davenport, because at the time of the request, he was going through a recall effort and the committee did not want to get involved. Further, she did not meet with Mr. Cochran regarding the Graffiti Abatement Program because the committee did not want to be put in the position of recommending any business to the City for the program.

Further, Ms. Snyder presented a proposal to create a Code Enforcement Team, made up of City staff, committee members, and representatives of the Immigration and Naturalization Service and San Joaquin County Health Service. This idea was discovered from the City of Pasadena (a copy of the proposal is on file in the City Clerk's office).

FILE NO. CC-2(s), CC-6, CC-13 AND CC-16

- e) Colleen Dixon, 333 Hilborn Street, Lodi, spoke on the importance of parents being held accountable for their children's acts in matters such as graffiti. Ms. Dixon was glad to hear that the City's curfew ordinance, which was recently contested, was upheld by the judge. The Council's recent decision to participate in the Drug Free Zones has spurred a lot of community support for funding, and she is thankful to the Council. Further, Ms. Dixon commented on two Assembly Bills recently signed into legislation: AB2897 which bars the Alcoholic Beverage Control (ABC) from issuing licenses in overconcentrated areas without local concurrence and AB2742 which allows business operators to take reasonable steps to discourage loitering, etc. in front of their businesses and allows the ABC to impose additional conditions on existing ABC licenses.  
FILE NO. CC-2(s), CC-6 AND CC-7(f)
- f) Frank Alegre, Lodi, expressed his support for the Eastside Improvement Committee and the work that it has done in improving certain areas in the City. Mr. Alegre also commented on a recent article that appeared in the Lodi News Sentinel regarding speed limits in Casa de Lodi. This has been a problem for quite some time; however, he questioned why the City raised the speed limit there recently. Police Chief Hansen informed Mr. Alegre that in order to enforce the speeds in that area with radar, the speed limit needed to be raised according to the 85th percentile per the Vehicle Code. Further, Mr. Alegre urged the City and community to work out its problems with the Central City Revitalization Project and continue onward.  
FILE NO. CC-16 AND CC-48(a)

13. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Council Member Mann informed the public that the Water Advisory Committee met this day, and it is working toward a Water Management Plan to prevent ground water pumping for resale to other counties. Council Member Mann also stated that the City of Lodi's workers compensation fund is not broke. The reason staff is requesting to do an actuarial study is to ensure us that we are charging the right amounts so that the fund does not go broke in the future. Lastly, Council Member Mann expressed his disappointment in the judge's reversal of the fine against the property owner on Pine Street. It takes neighbors such as these to be proactive in the fight against blight and poor living conditions.  
FILE NO. CC-6 AND CC-21.1(b)
- b) Council Member Pennino asked for a status report on the clean up of the trees along Hutchins Street. Public Works Director Ronsko informed the Council that last weekend the tree wells along downtown School Street were cleaned; the tree wells along Sacramento Street will be done in the near future by a citizens group (which will be officially adopting the street); and on October 24 the tree wells along Hutchins Street will be cleaned by the local Garden Club all at no cost. Mr. Pennino thanked all of the citizens who attended the Talgo Train demonstration. The City of Lodi had a great turnout--the largest of all the stops.  
FILE NO. CC-49
- c) Council Member Snider expressed his opposition to Proposition No. 188 regarding the smoking issue. Prop. 188, regardless of one's position on the smoking ordinance, would give the State authority to preempt local controls, and Lodi citizens should be opposed to this. A "No" vote would be a vote against State interference. City Manager Peterson also reiterated that this Proposition would allow the State to overthrow what the people of this community have done.  
FILE NO. CC-6 AND CC-28



- d) Mayor Sieglock reminded everyone that the revitalization effort will take time and must be community-driven. The letter by Michael Freedman shows that the community got its opinion across on an issue and the same will happen on future concerns. In response to Mr. Alegre's comments regarding the speed limits at Casa de Lodi, Mayor Sieglock stated that the City has looked at the intersection and considered different ways of handling it. A crosswalk or a yellow flashing light provides a false sense of security, and is, therefore, not safe. A traffic signal or a four-way stop has also been considered; however, it costs money and there are many other higher priority intersections. Police patrol has been beefed up in that area and the City will continue to look for ways to solve this situation. Finally, Mayor Sieglock announced that this weekend is "Make a Difference Day" which is being sponsored by USA Weekend.
- FILE NO. CC-48(a), CC-72 AND CC-400

14. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council heard a report from Dennis Callahan, Building and Equipment Maintenance Superintendent, and Police Captain Charlie Mauch regarding the purchase of Police Department undercover van. (Council Member Mann abstained from discussion and voting on the rejection of the bid, and Council Member Pennino abstained from discussion and voting on the authorization of the purchase of the van.)

The City Council, on motion of Mayor Sieglock, Snider second, rejected the bid received for the purchase of Police Department undercover van by the following vote:

Ayes: Council Members - Pennino, Snider and Sieglock (Mayor)  
Noes: Council Members - None  
Absent: Council Members - Davenport  
Abstain: Council Members - Mann

Further, the City Council, on motion of Council Member Snider, Mann second, authorized the purchase of one 1994 Dodge Caravan from Hayward Dodge-Chrysler-Plymouth-Hyundai of Hayward, California in the amount of \$23,665.09 which includes a \$500.00 rebate from Chrysler (it should be noted that rebates are yet to come from Pacific Gas & Electric for approximately \$2,600.00, California Energy Commission for approximately \$1,500.00 and from the sales tax incentive) by the following vote:

Ayes: Council Members - Mann, Snider and Sieglock (Mayor)  
Noes: Council Members - None  
Absent: Council Members - Davenport  
Abstain: Council Members - Pennino

FILE NO. CC-12(a) AND CC-300

- b) (Council Member Mann abstained from discussion and voting on the following matter.)  
The City Council, on motion of Mayor Sieglock, Snider second, adopted Resolution No. 94-121 approving the power agreement between General Mills, Inc. and the City of Lodi (with minor language change on Section 4.1.7) and authorized execution of the power agreement by the City Manager and City Clerk by the following vote:

Ayes: Council Members - Pennino, Snider and Sieglock (Mayor)  
Noes: Council Members - None  
Absent: Council Members - Davenport  
Abstain: Council Members - Mann

Speaking in support of the agreement was Eric VanHove on behalf of General Mills.  
FILE NO. CC-51(d), CC-90 AND CC-300

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15. ADJOURNMENT

There being no further business to come before the City Council, Mayor Sieglock adjourned the meeting at approximately 10:15 p.m.

ATTEST:

  
Jennifer M. Perrin  
City Clerk